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Patent

Docket No.: 54664USA4A.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Bonnie W. Albrecht, Mark D. Gehlsen, Connie L.
Hubbard, David L. Vall, and Bryan C. Feisel

Serial No.: **09/325,963**
Filed: June 4, 1999
For: **BREATHABLE POLYMER FOAMS**

Group Art Unit: 1772

Examiner: Unknown

PETITION UNDER 37 C.F.R. § 1.48 TO CORRECT INVENTORSHIP

Assistant Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

Dear Sir:

The undersigned, on behalf of the Applicants and the Assignee herein, petition the Commissioner in accordance with 37 C.F.R. § 1.48 to correct the inventorship of the patent application identified above, by adding the name of Steven J. Flynn as joint inventor.

Accompanying this Petition is a statement of the inventor being added establishing that the error occurred without deceptive intention on his part, a Declaration by all of the actual inventors as required by 37 C.F.R. § 1.63, and a written consent of the Assignee of this application.

Accordingly, Applicants request that this Petition be granted and that a decision be issued correcting the inventorship of this application to name Bonnie W. Albrecht, Mark D. Gehlsen, Connie L. Hubbard, David L. Vall, Bryan C. Feisel, and Steven J. Flynn as joint inventors.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents; Washington, D.C. 20231 on:

August 2, 2000
Date

signed

Melanie Gover
Melanie Gover

Please charge Deposit Account 13-3723 in the amount of \$130.00 as required by 37 C.F.R. § 1.17(i) to cover the cost of this petition. Please also charge any underpayment or credit any overpayment to Deposit Account 13-3723. A duplicate copy of this paper is attached.

Respectfully submitted by:

August 2, 2000
Date

Melanie Gover
Melanie Gover
Registration No. 41.793

3M Office of Intellectual Property Counsel
P.O. Box 33427
St. Paul, Minnesota 55133-3427
Telephone: 651-736-6432
Fax: 651-736-3783

Enclosures

p:\govermel.54664\4a petition-correct inventorship in application.doc

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INTELLECTUAL PROPERTY

DECLARATION, POWER OF ATTORNEY, AND PETITION

I, a below named inventor, depose and say that: (1) my residence, citizenship, and mailing address are indicated below; (2) I have reviewed and understand the contents of my patent application, including the claims, as amended by any amendment specifically referred to herein, which is identified as U.S. Patent Application Serial No. 09/325,963, filed June 4, 1999; (3) I believe that the other below named inventors and I are the original, first, and joint inventors or discoverers of the invention or discovery in

BREATHABLE POLYMER FOAMS

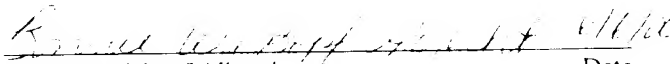
described and claimed therein and for which a patent is sought; and (4) I hereby acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56.*

I hereby appoint Gregory D. Allen (Reg. No. 35,048), Allen Ball (Reg. No. 42,286), Scott A. Bardell (Reg. No. 39,594), Carolyn A. Bates (Reg. No. 27,853), Stephen W. Bauer (Reg. No. 32,192), Dale A. Bjorkman (Reg. No. 33,084), Jennie G. Boeder (Reg. No. 28,952), William J. Bond (Reg. No. 32,400), Stephen W. Buckingham (Reg. No. 30,035), John A. Burtis (Reg. No. 39,924), Paul W. Busse (Reg. No. 32,403), Gerald F. Chernivec (Reg. No. 26,537), James D. Christoff (Reg. No. 31,492), Philip Y. Dahl (Reg. No. 36,115), Charles L. Dennis II (Reg. No. 30,555), Janice L. Dowdall (Reg. No. 31,201), Lisa M. Fagan (Reg. No. 40,601), Yen T. Florczak (Reg. No. 45,163), Darla P. Fonseca (Reg. No. 31,783), John A. Fortkort (Reg. No. 38,454), Melanie G. Gover (Reg. No. 41,793), Gary L. Griswold (Reg. No. 25,396), Doreen S. L. Gwin (Reg. No. 35,580), Michael A. Hakamaki (Reg. No. 40,011), Karl G. Hanson (Reg. No. 32,900), Melissa M. Hayworth (Reg. No. P-45,774), Néstor F. Ho (Reg. No. 39,460), Rudolph P. Hofmann, Jr. (Reg. No. 38,187), Jeffrey J. Hohenshell (Reg. No. 34,109), Robert W. Hoke (Reg. No. 29,226), MarySusan Howard (Reg. No. 38,729), Stephen C. Jensen (Reg. No. 35,207), Robert H. Jordan (Reg. No. 31,973), Harold C. Knecht III (Reg. No. 35,576), Kent S. Kokko (Reg. No. 33,931), Charles D. Levine (Reg. No. 32,477), Douglas B. Little (Reg. No. 28,439), Eloise J. Maki (Reg. No. 33,418), Lisa M. McGeehan (Reg. No. 41,185), Matthew B. McNutt (Reg. No. 39,766), Michelle M. Michel (Reg. No. 33,968), William D. Miller (Reg. No. 37,988), Peter L. Olson (Reg. No. 35,308), Daniel R. Pastirik (Reg. No. 33,025), David B. Patchett (Reg. No. 39,326), Robert J. Pechman (Reg. No. 45,002), Carolyn V. Peters (Reg. No. 33,271), Scott R. Pribnow (Reg. No. 43,869), Ted K. Ringsred (Reg. No. 35,658), James A. Rogers (Reg. No. 37,228), Steven E. Skolnick (Reg. No. 33,789), Robert W. Sprague (Reg. No. 30,497), Brian E. Szymanski (Reg. No. 39,523), James J. Trussell (Reg. No. 37,251), and Lucy C. Weiss (Reg. No. 32,834), my attorneys and/or agents with full powers (including the powers of appointment, substitution, and revocation) to prosecute this application and any division, continuation, continuation-in-part, reexamination, or reissue thereof, and to transact all business in the Patent and Trademark Office connected therewith; the mailing address and the telephone number of the above-mentioned attorneys and/or agents are

Attention: Melanie Gover
Office of Intellectual Property Counsel
3M Innovative Properties Company
P.O. Box 33427
St. Paul, Minnesota 55133-3427
Telephone No. 651-736-6432

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, I pray for grant of Letters Patent for the invention or discovery described and claimed in the aforementioned specification and we hereby subscribe our names to the foregoing specification and claims, declaration, power of attorney, and this petition, on the day set forth below.


Bonnie Weiskopf Albrecht Date
Residence: Lake Elmo, Minnesota, USA
Citizenship: United States of America
Post Office P.O. Box 33427
Address: St. Paul, Minnesota 55133-3427



Mark David Gehlsen 6/8/2000
 Date
 Mark David Gehlsen
 Residence: Eagan, Minnesota USA
 Citizenship: United States of America
 Post Office: P.O. Box 33427
 Address: St. Paul, Minnesota 55133-3427

Connie Lynn Hubbard 6/8/00
 Date
 Connie Lynn Hubbard
 Residence: River Falls, Wisconsin USA
 Citizenship: United States of America
 Post Office: P.O. Box 33427
 Address: St. Paul, Minnesota 55133-3427

David Loren Vall 6/8/00
 Date
 David Loren Vall
 Residence: Woodbury, Minnesota USA
 Citizenship: United States of America
 Post Office: P.O. Box 33427
 Address: St. Paul, Minnesota 55133-3427

Bryan C. Feisel 6/8/00
 Date
 Bryan C. Feisel
 Residence: Hudson, Wisconsin USA
 Citizenship: United States of America
 Post Office: P.O. Box 33427
 Address: St. Paul, Minnesota 55133-3427

Steven J. Flynn Date
 Residence: Omaha, Nebraska USA
 Citizenship: United States of America
 Post Office: P.O. Box 33427
 Address: St. Paul, Minnesota 55133-3427

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 1000 BOLD ROUTE



Mark David Gehlsen _____ Date
 Residence: Eagan, Minnesota USA
 Citizenship: United States of America
 Post Office: P.O. Box 33427
 Address: St. Paul, Minnesota 55133-3427

Connie Lynn Hubbard _____ Date
 Residence: River Falls, Wisconsin USA
 Citizenship: United States of America
 Post Office: P.O. Box 33427
 Address: St. Paul, Minnesota 55133-3427

David Loren Vall _____ Date
 Residence: Woodbury, Minnesota USA
 Citizenship: United States of America
 Post Office: P.O. Box 33427
 Address: St. Paul, Minnesota 55133-3427

Bryan C. Feisel _____ Date
 Residence: Hudson, Wisconsin USA
 Citizenship: United States of America
 Post Office: P.O. Box 33427
 Address: St. Paul, Minnesota 55133-3427

Steven J. Flynn _____ *6/15/00* Date
 Steven J. Flynn
 Residence: Omaha, Nebraska USA
 Citizenship: United States of America
 Post Office: P.O. Box 33427
 Address: St. Paul, Minnesota 55133-3427

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§1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Bonnie W. Albrecht, Mark D. Gehlsen, Connie L.
Hubbard, David L. Vall, and Bryan C. Feisel

Group Art Unit: 1772

Serial No.: 09/325,963

Filed: June 4, 1999

Examiner: Unknown

For: BREATHABLE POLYMER FOAMS



**STATEMENT OF ADDED INVENTOR IN SUPPORT OF PETITION UNDER
37 C.F.R. § 1.48 TO CORRECT INVENTORSHIP**

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Assistant Commissioner for Patents
Washington, D.C. 20231

AUG 10 2000

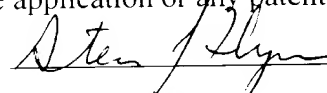
OFFICE OF PETITIONS

Dear Sir:

I, Steven J. Flynn, an inventor being added to the above-identified application, do hereby declare that through error I was not named as a joint inventor in the above-identified application, and that this error occurred without any deceptive intention on my part.

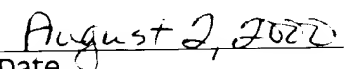
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 6/15/00

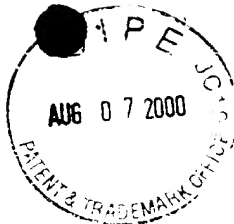

Steven J. Flynn

p:\govermel\54664\4a statement of added inventor in support of petition to correct inventorship in application.doc

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents; Washington, D.C. 20231 on:


Date August 2, 2000

Signed 
Melanie Cover, Reg. No. 41,793



Patent
Docket No.: 54664USA4A.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Bonnie W. Albrecht, Mark D. Gehlsen, Connie
L. Hubbard, David L. Vall, and Bryan C. Feisel

Serial No.: **09/325,963**
Filed: June 4, 1999
For: **BREATHABLE POLYMER FOAMS**

Group Art Unit: 1772
Examiner: Unknown

CONSENT OF ASSIGNEE TO CHANGE OF INVENTORSHIP
UNDER 37 C.F.R. § 1.48(a)(4)

Assistant Commissioner for Patents
Washington, D.C. 20231

3M Innovative Properties Company, the assignee of the entire right, title, and
interest in U.S. Patent Application No. 09/325,963 hereby consents to the
accompanying Petition and Fee to Amend Inventorship Under 37 C.F.R. § 1.48(a)

3M INNOVATIVE PROPERTIES COMPANY

Date May 31, 2000 By: Douglas B. Little
Douglas B. Little
Assistant Chief Intellectual Property Counsel

3M Office of Intellectual Property Counsel
3m Innovative Properties Company
P.O. Box 33427
St. Paul, Minnesota 55133-3427
Telephone: 651-733-1501

p: governm154664.4a consent of assignee to change of inventorship.doc

Certificate of Mailing

Pursuant to 37 CFR 1.8 I certify that this correspondence is being deposited on the date indicated
below with the United States Postal Service as First Class Mail addressed to the Assistant
Commissioner for Patents, Washington, D.C. 20231

Date:
August 2, 2000

Signature
Melanie Gover
Melanie Gover